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ANNUAL REPORT

PUBLIC DEFENDER

LOS ANGELES COUNTY

CALIFORNIA

Fiscal Year

July 1, 1942 to July 1, 1943

-****-

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DEPARTMENT OF PUBLIC DEFENDER

Los Angeles County, California

A N N U A L R E P O R T

Fiscal Year

July 1, 1942 to July 1, 1943

FREDERIC H. VERCOE

PUBLIC DEFENDER

DEPARTMENT OF PUBLIC WORKS

Los Angeles County, California

ANNUAL REPORT

Fiscal Year

July 1, 1944 to July 1, 1945

RAYMOND E. VINSON

PUBLIC DEFENDER

JURISDICTION OF PUBLIC DEFENDER

The right of a person accused of a criminal offense, in the Superior Court, to be represented by counsel is guaranteed by the Constitution of the United States, by the Constitution of the State of California, and by the Penal Code of this state.

Section 987 of the Penal Code of the State of California provides as follows:

> "If the defendant appears for arraignment without counsel, he must be informed by the court that it is his right to have counsel before being arraigned, and must be asked if he desires the aid of counsel. If he desires and is unable to employ counsel, the court must assign counsel to defend him."

COUNTY CHARTER

CRIMINAL CASES

Under the County Charter, in criminal cases, it is the duty of the Public Defender, either upon request of the defendant, or upon order of the court, to defend all persons who are not financially able to employ counsel and who are charged, in the Superior Court, with the commission of a felony or other offense.

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APPEALS IN CRIMINAL CASES

It is also his duty to prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction.

CIVIL CASES

In civil legal matters it is his duty to represent the plaintiff, under the law, and to handle cases and prosecute actions for the collection of wages and of other claims of persons who are not financially able to employ counsel, in which the sum involved does not exceed $100.00, and in which, in his judgment, the claims urged are valid and enforceable in the courts.

It is also his duty to represent defendants and to defend persons who are not financially able to employ counsel in civil litigation in which, in his judgment, they are being persecuted or unjustly harassed.

APPEALS IN CIVIL CASES

The Public Defender has authority to appeal civil cases to the proper appellate court when, in his judgment, errors have occurred in the lower court and have resulted in a miscarriage of justice.

ADVANTAGE OF PUBLIC DEFENDER
FROM ECONOMIC STANDPOINT

The Public Defender saved the County of Los Angeles

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ADVANTAGE OF PUBLIC DEFENDER
FROM ECONOMIC STANDPOINT

The Public Defender saved the County of Los Angeles

during the last fiscal year at least four times the cost of operating the department, or approximately $300,000.00, by the manner in which the defense of persons accused of crime was conducted.

Unnecessary loss of time in handling criminal cases was eliminated without sacrificing the substantial rights and interests of the defendant. Pleas of guilty were encouraged where the defendants were obviously guilty. Unnecessary and costly trials were avoided whenever it was possible to do so.

The actual time consumed in the trial of cases was shortened by eliminating dilatory and procrastinating tactics sometimes resorted to. Hundreds of cases were advanced on the calendar from the original trial date and pleas of guilty entered, thereby freeing the court calendar for the trial of other cases.

Cases were prepared for trial and the trial conducted or the case disposed of by plea of guilty or dismissal on the original date they were set for trial unless previously advanced and disposed of. Continuances of trial dates were requested in only a very limited number of cases and then only because it was necessary to do so for good and sufficient reasons.

The Public Defender represents the defendant in between 50 and 60 per cent of all the criminal cases filed in the Superior Court. During the fiscal year 1942-43 the Public

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The Public Defender represents the defendant in between 50 and 60 per cent of all the criminal cases filed in the Superior Court. During the fiscal year 1942-43 the Public

Defender handled 2244 criminal cases in the Superior Court. In these cases 721 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial.

The Public Defender, during this fiscal year, tried 243 cases in the Superior Court. 85 of said trials were conducted with a jury while 158 were tried to the court without juries. A tremendous amount of time, as well as the expense of a jury in each of said cases was saved by this practice.

The Public Defender also during this fiscal year handled 135 preliminary examinations in the Superior Court, in contributing to the delinquency of a minor cases. In 57 of said cases the preliminary examination was waived and the defendant was held to answer without it being necessary for the prosecution to prove its case by the introduction of evidence and examination of witnesses. This saved a considerable amount of time of the court. The rights of the defendant were fully protected although this procedure was resorted to. No good purpose would have been served and nothing would have been gained by the defendant by insisting on the trial of the preliminary in said cases.

In 1103 of said cases pleas of not guilty were entered and the cases set for trial. 685 were later disposed of without trial. 585 of said trials were disposed of by changing the pleas of defendants from not guilty to guilty. 100 of

defendant handled 8444 criminal cases in the Superior Court. In these cases 721 defendants entered pleas of guilty when first arraigned in court and without the case being set for trial.

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The Public Defender also during this fiscal year handled 1858 preliminary examinations in the Superior Court, in contributing to the delinquency of a minor cases. In 87 of said cases the preliminary examination was waived and the defendant was held to answer without it being necessary for the prosecution to prove its case by the introduction of evidence and examination of witnesses. This saved a considerable amount of time of the court. The rights of the defendant were fully protected although this procedure was resorted to. No good purpose would have been served and both the trial of the [illegible]

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said cases were dismissed at the request of the Public Defender because it would have been a waste of time to try them. In each of said cases the rights of the defendants, under the law, were fully protected and safeguarded.

If the Public Defender had not disposed of said cases without trial, at least 600 more of them would have had to be tried in the courts. If 600 more cases had gone to trial it would have required four more Superior Courts than are now handling criminal cases, functioning full time, to have tried the same.

In round figures, it costs the County of Los Angeles $50,000.00 a year to operate a Superior Court that handles criminal cases. With four more criminal courts operating it would have cost the county an additional $200,000.00 to dispose of its criminal cases.

COMMENTS ABOUT PUBLIC DEFENDER'S DEPARTMENT

Judge Charles W. Fricke, who is presiding in Department 43, one of the criminal departments of the Superior Court, in writing about the Public Defender, had this to say:

"Your method of avoiding useless trials whenever possible by pleas of guilty and in trying cases to the court without juries, results in saving a tremendous amount of the time of the courts. Your department in all of its work very materially assists the courts in disposing of criminal cases.

"As I have repeatedly and publicly declared, the expense of your office is more than saved the county by the manner in which your work is handled."

Mayor Fletcher Bowron, of the City of Los Angeles, when he was a Judge of the Superior Court in this County, wrote the following letter to the Board of Supervisors:

"I am advised that the Public Defender has requested sufficient allowance in the budget for his department for the next fiscal year to permit of the employment of an additional deputy and an investigator. I am taking the liberty to briefly express my views strongly recommending the appropriation.

"For approximately five years I presided over a criminal department and during that time I came in almost daily contact with the Public Defender's office. I know of no department of county government which is more efficiently operated and from which the public receives a greater return than from this office. It is well nigh impossible to estimate the actual saving to the taxpayers of this county and the general public benefits derived directly and indirectly from the defense of persons charged with public offenses in the way and manner that such accused felons are represented by the Public Defender and his able deputies.

"For a number of years this office has represented more than half of those entering pleas in the Superior

Court. This office does not knowingly present false and perjured testimony, but where convinced that a defendant is innocent the deputies of the Public Defender's office are able to and do present as good a defense as any defendant could wish for, regardless of his financial ability to employ the best criminal lawyers at the local bar. It is the practice of the office to carefully interview each defendant whom the Public Defender has been assigned to represent, and after a study of the transcript of evidence taken at the preliminary hearing if convinced that the defendant is guilty the deputy endeavors to induce him to enter a plea of guilty. In this manner and in this way alone the Superior Court is able to receive a large percentage of pleas of guilty where otherwise the case would develop into a jury trial of several days duration. I believe that it could be conservatively estimated that if the office of the Public Defender should be eliminated and we would be compelled to revert to representation of defendants by individual counsel that fully half of the departments of the Superior Court would be devoted to the trial of criminal matters. (Half of the departments would be 25. Parenthesis interpolated.)

"I would like to see the time come when our Constitution would be amended to provide for the representation of all persons charged with a public offense by a Public Defender, where rich and poor alike would receive the same

kind of defense by a public officer in much the same manner as we have in the past prosecuted all offenders by one public officer; but until that time comes I feel that the ends of justice in this county require more financial support of the office of the Public Defender at the present time. Hard working deputies are frequently required to be in court all day and make investigations during the evenings in connection with cases they are preparing for trial. The need of investigators by the Public Defender's office has been felt for many years.

"I respectfully recommend that the requested increase in the appropriation for the Public Defender's office be allowed."

Judge Robert H. Scott of the Superior Court wrote the Board of Supervisors as follows:

"My personal observation of the fine work done by the Public Defender convinces me that the additional deputy and investigator requested by Public Defender Frederic H. Vercoe would be of substantial service to the county and would fully justify the additional expenditure.

"It is the policy of that office, as I have observed it, to seek diligently to assure the proper administration of justice and not merely to defeat justice on the basis of legal technicalities. The ability of deputies in the public defender's office should be comparable to those in the staff of the district attorney and the pay should

naturally be similar. When you clearly and fully analyze the service rendered by the public defender it will be apparent that his service has been the largest contributing factor in the proper administration of our criminal law. They have succeeded in their efforts over a long period of years to fully safeguard the community and aid in the rehabilitation of the wrongdoer."

Judge Clarence L. Kincaid was presiding in the Criminal Master Calendar Department, where a large part of the criminal cases handled by the Public Defender are assigned to him, when he wrote the following letter.

"Mr. Frederic H. Vercoe, Public Defender of the County of Los Angeles, has called to my attention the matter of his application to your Honorable Board for permission to appoint one additional deputy public defender and one additional investigator.

"As the judge in charge of the master calendar of the criminal departments of the Superior Court I am in a position to know the enormous amount of criminal business which is assigned to the Public Defender for handling. It has been a source of wonder to me how Mr. Vercoe with his comparatively small staff has been able to even remotely keep up with the tremendous volume of work thrust upon them by law. I know that they are sadly in need of this additional assistance and that the work of their office is bound to suffer without such relief.

"I hope that you find it possible to seriously consider Mr. Vercoe's request."

SUMMARY OF ADVANTAGES OF PUBLIC DEFENDER IN CRIMINAL CASES

1. If the defendant has no case, he is honestly advised to plead guilty, thus avoiding unnecessary trials.

2. If the defendant has a good case, he is given an adequate defense - not a perfunctory one - thereby truly safeguarding his interests.

3. Juries are often waived.

4. Cases are promptly tried when reached on the calendar - not continued time after time - thereby helping to solve the problem of congested criminal court calendars.

5. Cases are tried more expertly because of the skill of the defenders; and the time of the court, of the jury, of the witnesses, of the court attaches and others is not wasted by needlessly protracted trials.

6. By virtue of the foregoing, vast economies are effected in the administration of criminal justice.

7. The trial judges tend to rely upon the opinions and statements of the Public Defender in disposing of cases.

8. Chicanery and unethical practices are never resorted to, and the atmosphere of the trial of criminal cases is elevated and thereby respect for the law is enhanced.

1. If the defendant has no case, it is normally

2. If the defendant has a good case, he is given an

adequate defence - not a [illegible] one - because only

a competent; he [illegible].

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forded in the administration of criminal justice.

7. The trial judge [illegible] to rely upon the opinion

[illegible] the Public Defender in [illegible] causes.

8. [illegible] professional practices of moral [illegible]

[illegible].

-2-

9. There are less chances of miscarriage of justice against a poor and perhaps illiterate defendant who might otherwise be sent to prison because of not knowing what it is all about.

PUBLIC DEFENDER IN CIVIL CASES

The Public Defender's civil jurisdiction is hardly less important than his criminal jurisdiction.

Millions of dollars are spent in the State of California each year in giving indigent persons, the poor, needy, and helpless, medical aid and hospitalization. This aid is rendered by the State so that such persons may be restored to health and again be placed, if possible, in a self-supporting condition.

Likewise, it is the duty of the Public Defender to render legal aid to the poor, needy and helpless in order to straighten out their legal difficulties, secure for them their rights under the law, or redress for their wrongs, so that they may continue to be self-supporting and not become charges of the Public Welfare Department.

APPLICATION FOR ASSISTANCE IN CIVIL CASES

During the fiscal year 1942-43, 17,119 persons applied to the Public Defender for legal assistance in civil cases. 9,731 were advised as to their legal rights and assisted in solving their problems under the law; 2,276 had claims for

3. There are four grounds of misconduct of judges otherwise be sued to prison because of not issuing writ is all about.

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to the Public Defender for legal assistance in civil cases.

wages due, property detained, or other miscellaneous claims which were handled and adjusted; 810 were refused legal assistance because they had the means to pay an attorney or because their cases were outside the jurisdiction of the office; and 4,302, whose cases were outside the jurisdiction of the Public Defender, were referred to the lawyers on the Public Defender's list of lawyers. Said lawyers handle the cases referred to them by the Public Defender and render legal assistance. In many of said cases no attorney's fees are charged. In most of the cases where fees are charged the fee is very moderate and of a minimum character.

TOTAL APPLICATIONS FOR ASSISTANCE

The total number of applications to the Public Defender for assistance in both civil and criminal cases in the fiscal year 1942-43 was 24,588.

The wages of more than 1,374 working men and women that had been garnisheed, and were exempt under the law, which were released from said garnishment by the assistance of the Public Defender, amounted to $38,460.65. By said aid the Public Defender was able to keep the family of many a poor working man from actually going hungry and from becoming public charges requiring the assistance of the County Welfare Department. The persons aided in the civil department of the Public Defender's office were financially unable to employ a lawyer in private practice.

to employ a lawyer in private practice.

ment of the Public Defender's office were financially u-
nable employment. The persons aided in the civil depart-
ing public citizens including the assistance of the County
poor working men from certain petty injury and from becom-
the Public Defender was able to keep the family or many a
on the Public Defender, amounted to $28,400.00. By said and
which were released from said sentences by the assistance
that had been garnished, and were enabled under the law,
The wages of more than 1,874 working men and women

fiscal year 1940-41 was $4,388.

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legal assistance. In many of said cases no attorney's fees
are charged. In most of the cases where a charge
of the Public Defender, were returned to the litigants as

because their cases exhibit the unsatisfaction of the
attorney because they had the power to pay an attorney or
which were handled and adjusted; the more refined legal ex-
wages due, property received, or other misfortunes arising

The Public Defender recovered $41,561.51 for the poor and indigent persons who applied to him for legal assistance in civil cases during the fiscal year 1942-43.

THE COST OF PUBLIC DEFENDER'S OFFICE

The cost of maintaining and operating the Public Defender's office during the fiscal year 1942-43 was $76,023.83.

DETAILED REPORT OF CRIMINAL CASES

Cases in which appearances were made in court.

Total number of court appearances in Superior Court -		6332
Total number of defendants represented - - - - - - - -		2200
Cases undisposed of July 1, 1943, and finally disposed of during last fiscal year - - - -	134	
Felony cases, Superior Court - - - - - - - - - -	1975	
Contributing cases in Superior Court Misdemeanors- - - - - - - - - - - - - - - - -	135	
Juvenile cases Superior Court - - - - - - - -	75	
Insanity cases, Superior Court - - - - - - - -	15	8,334

CONSULTATIONS

Consultations held in office - - - - - - - - - -	3015	
Consultations held in jail - - - - - - - - - - -	7854	10,869

TRIALS IN CRIMINAL CASES

Total number of trials set during year and disposed of -	1,103
Trials eliminated by changing pleas of not guilty to guilty- - - - - - - - - - - - - - - -	585

Cases disposed of by being dismissed - - - - - -	100	
Cases disposed of by being stricken from calendar- - - - - - - - - - - - - - - - - -	7	
Other attorneys substituted- - - - - - - - - - -	195	
Cases actually tried - - - - - - - - - - - - - - -	816	1,103

RESULTS OF TRIALS

Verdicts of guilty - - - - - - - - - - - - - - -	125	
Verdicts of guilty less offense- - - - - - - - -	11	
Verdicts of not guilty - - - - - - - - - - - - -	78	
Jury disagreements - - - - - - - - - - - - - - -	2	216

CRIMINAL INSANITY TRIALS

Trials on pleas of not guilty by reason of insanity -		12
Verdicts sane- - - - - - - - - - - - - - - - - -	4	
Verdicts insane- - - - - - - - - - - - - - - - - -	8	
	12	
Present insanity trials in criminal cases- - - - - -,		7
Verdicts sane- - - - - - - - - - - - - - - - - - -	1	
Verdicts insane- - - - - - - - - - - - - - - - - -	6	
	7	

CIVIL INSANITY TRIALS

Trials on Civil Insanity Complaints- - - - - - - - -		8
Verdicts sane- - - - - - - - - - - - - - - - - - -	2	
Verdicts insane- - - - - - - - - - - - - - - - - -	6	
	8	
TOTAL trials by Criminal Department- - - - - - - - -		243

SUPERIOR COURT PRELIMINARY EXAMINATIONS

CONTRIBUTING CASES

Preliminary examinations held	61	
Preliminary examinations waived	57	
Defendants held to answer to Superior Court	96	
Defendants discharged and cases dismissed or stricken off calendar	22	118

MISCELLANEOUS DISPOSITIONS

PLEAS OF GUILTY

Total pleas of guilty to offenses charged	1128	
Total pleas of guilty of less offense than charged	178	1,306

VIOLATION OF PROBATION CASES

Number of cases handled		213
Probation modified and continued without further county jail sentence	13	
Probation continued on same terms	14	
Fine imposed on defendant	7	
Probation revoked and defendant sentenced to		
County Jail	106	
San Quentin	53	
Ione (Reformatory)	2	
Stricken off calendar	10	
Forestry Camp	2	
Other Attorneys substituted	6	213

PROBATION ORDERS

Defendants granted probation without jail sentence	109	
Defendants granted probation with jail sentence	507	
Defendants denied probation	397	1,013

SENTENCES AND FINES

Defendants sentenced to death	1
Defendants sentenced to San Quentin	473
Defendants sentenced to Tehachapi (Women)	7
Defendants committed to Preston School (Ione)	42
Defendants committed to Ventura (Girls)	0
Defendants sentenced to County Jail	516
Defendants fined	58
Defendants committed to Youth Authority	27

DEFENDANTS COMMITTED TO STATE HOSPITALS

Mendocino State Hospital	10
Norwalk State Hospital	3
Camarillo State Hospital	6
Spadra State Hospital	1

APPEALS TO DISTRICT COURT OF APPEAL AND SUPREME COURT IN CRIMINAL CASES

Appeals to Supreme Court in death penalty cases	2	
Appeals to District Court of Appeal in felony cases	5	
		7
Death penalty appeal pending and undisposed of	1	
Death penalty appeal judgment reversed	1	

Appeals to District Court of Appeal		
Judgments affirmed - - - - - - - - - - -	2	
Appeal to District Court of Appeal		
Judgment reversed - - - - - - - - - - -	1	
Appeals to District Court of Appeal		
pending and undisposed of- - - - - - -	2	7

DETAILED REPORT OF CIVIL CASES

Total number of applications in the office for assistance in civil cases - - - - - --		17,119
Applications in which advice was given on various subjects - - - - - - - - - - - - -		9,731
Applications rejected because applicants were able to pay a fee or because the office was without jurisdiction:		
Refused- - - - - - - - - - - - - - - - -	810	
Referred to attorney - - - - - - - - - -	4302	5,112
Cases accepted and handled- - - - - - - - -		2,276

CIVIL CASES ACCEPTED AND HANDLED

Illegal attachments and garnishments and other persecution cases - - - - - - - --	1374	
Guardianship cases- - - - - - - - - - - - -	247	
Waivers of Premarital tests in Superior Court	445	
Miscellaneous accepted cases- - - - - - - - -	210	2,276
Total appearances in Court on Civil Cases - - - -		831

Appeals to District Court of Appeal

Judgment reversed - - - - - - - - - - - - - 1

Appeal to District Court of Appeal

Pending and undisposed of - - - - - - - - - 4

Total number of applications in the office
for restrictions in civil cases - - - - - - 17,774

Applications in which advice was given on
various subjects - - - - - - - - - - - - - -

Able to pay a fee or because the office was
without jurisdiction:

Referred to attorney - - - - - - - - - - 1,004

Cases accepted and handled- - - - - - - - - 4,000

Illegal attachments and garnishments and
other persecution cases - - - - - - - - 1,004

Guardianship cases- - - - - - - - - - - - - 814

Waivers of Homestead taken in Injunction Cases-do

Miscellaneous assorted cases- - - - - - - - 1,170 6,378

Moneys collected and chattels recovered without suit (approx.) - - - - - - - - - - - - - - - - -	$ 2,799.45
Amount of wages released from illegal garnishment -	38,460.65
Amount collected on judgments - - - - - - - - -	101.21
	$41,361.31

Respectfully submitted,

FREDERIC H. VERCOE

Public Defender

FINANCIAL REPORT

of

PUBLIC DEFENDER OF LOS ANGELES COUNTY

July 1, 1942 to July 1, 1943

- - - -

MONEYS RECEIVED

Total amount of moneys collected and received for and on behalf of the persons represented by the Public Defender under the law. Said moneys were collected from claimants for costs and from defendants indebted to said persons so represented:.....$ 846.29

No moneys belonging to the County of Los Angeles were collected.

MONEYS EXPENDED

Total Salaries paid.....	$75,103.33
Total Outlay Expenditures, Law Books,.....	80.10
Total Maintenance and Operation.....	840.40
	$76,023.83

Respectfully submitted,

FREDERIC H. VERCOE

PUBLIC DEFENDER

RAYMOND H. WATSON

HIST
HV
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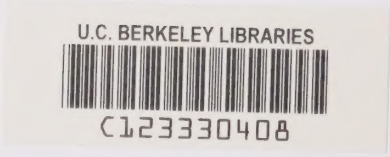

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